

REMARKS

The withdrawal of the previous allowance of claims 7-17 is noted.

Claims 7-18 are in the present application.

Missing Reference:

Please note that claims 7-18 were rejected over a reference referred to in the Office Action as Baron et al; however, the patent number of the Baron et al reference is not stated anywhere in the text of the Office Action nor in the accompanying Form PTO-892. Consequently, Applicant is not able to respond to the rejections that use Baron et al as a reference.

In a telephonic interview with the Examiner on August 16, 2006, the Examiner stated that she did not have the patent number and requested that Applicant file a request for reconsideration of the claims based on a missing reference. Accordingly, Applicant request reconsideration of the claims based on the missing reference referred to in the Office Action as Baron et al.

Additionally, claims 7-14 and 17 were rejected under 35 USC 103 over Richards in view of Nakasuji et al. This rejection is respectfully traversed.

Please note that applicant is not claiming to have invented the idea of marking on toys, but Applicant's method claims are claiming a new use for an existing product by marking on an outer cover of a bop-bag.

Additionally, Applicant respectfully submits that the references are improperly combined. Nakasuji et al relates to a toy with a surface on which an area is provided for causing an image to appear or disappear. Richards relates

to a 3-dimensional action toy. Richards states in column 4, lines 20-29 that "the intermediate panel 22 have a transparent panel portion imprinted with an image 28 to permit continued visibility of the image 26 on the rear panel 18 therethrough and through the front panel 16. Now, the images 24, 26 and 28 cooperate with each other to produce an illusion of three dimensions and an image which continuously changes with different angles of observation of the inflatable article." Richards provides no motivation to provide an area of the action toy on which to draw images. In fact, Richards teaches against such by teaching that the portions which do not contain a preprinted image should be transparent in order to provide the 3-D image effect. Applicant respectfully submits that marking on the surfaces of the Richards action toy would destroy the desired 3-D effect. Thus, the references are improperly combined and the rejection of claims 7-18 should be withdrawn.

CONCLUSION

Applicant made an earnest attempt to place this case in condition for allowance. In view of all of the above, it is believed that the claims are allowable, and that the case is now in condition for allowance, which action is earnestly solicited.

It is believed that no fees are due for this amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gordon R. Wren', with a stylized flourish at the end.

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